

Fresno, California

April 28, 2011

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

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| Present: | Oliver Baines III | Councilmember |
| | Andreas Borgeas | Councilmember |
| | Clinton Olivier | Acting Council President |
| | Sal Quintero | Councilmember |
| | Blong Xiong | Councilmember |
| | Larry Westerlund | Councilmember |
| | Lee Brand | Council President |

Mark Scott, City Manager
Nicole Xieba, Deputy City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk
Cindy Bruer, Deputy City Clerk

Reverend Vickie Healy of Wesley United Methodist Church gave the invocation, and President Brand led the Pledge of Allegiance.

RECOGNITION OF CITY HALL RSVP VOLUNTEERS – MAYOR’S OFFICE

Recognized.

PROCLAMATION OF “MORMON HELPING HANDS DAY”

Read and presented.

PROCLAMATION OF “NATIONAL POLICE WEEK” – MAYOR AND CITY COUNCIL

~~-and-~~

PROCLAMATION OF “NATIONAL PEACE OFFICERS’ MEMORIAL DAY” – COUNCILMEMBER WESTERLUND

Read and presented.

RECOGNITION OF MANUEL HERNANDEZ AND THERESA MILAVICH FOR OUTSTANDING SERVICE TO OUR COMMUNITY THROUGH PARCS PROGRAMMING

Recognition made.

PROCLAMATION OF “MAY IS BIKE MONTH” – PRESIDENT BRAND

Read and presented.

APPROVE COFCAP MINUTES OF APRIL 7, 2011

On motion of Member Westerlund, seconded by Member Brand, duly carried, RESOLVED, the COFCAP minutes of April 7, 2011, approved as corrected, removing Councilmember Borgeas’ name as a COFCAP member.

APPROVE CITY COUNCIL MINUTES OF APRIL 14, 2011

Councilmember Westerlund stated he had a correction to the April 7th minutes, whereupon City Clerk Klisch advised those minutes were approved on April 14th and she could meet with him to discuss the matter.

On motion of Councilmember Baines, seconded by President Brand, duly carried, RESOLVED, the minutes of April 14, 2011, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Quintero (1) noted yesterday was Professionals Day and thanked all city employees and his office staff for all their hard work and multi-tasking in these tough times; (2) advised of the “Mosqueda Idol” event being put on in conjunction with PARCS staff for middle and high school students on May 20 at the Mosqueda Center (May 6 deadline to enter) and encouraged council to inform youth in their districts of the event, added cash prizes would be awarded, and thanked involved PARCS staff for their hard work and working with limited resources; (3) advised there was also going to be a national BMX event at Mosqueda and it would be advertised by Twitter; and (4) thanked Katie Stevens for assistance provided to his office on budget issues.

Councilmember Xiong (1) thanked the Nisei Farmers League for their efforts/commitment/investment to the Japanese community on the tsunami and the Kochi committee for helping out; (2) advised May is Asian American Month and encouraged all to attend the Asian Fest at Fresno City College; and (3) thanked Mayor Swarengin for her letter for an upcoming fundraising event.

Acting President Olivier (1) *reported he attended the Air Board meeting last week and stated after making his plea to the Board to consider changing their meeting date per Council request there was no interest of the Board whatsoever to do so to accommodate Fresno as largest city in the valley and fifth largest in the state, stated he would continue to serve on the selection committee to fulfill his duties and make sure Fresno gets its seat on the Board, and stated maybe a committee should be formed to figure out meeting attendance; and (2) thanked Chief Dyer and City Attorney Sanchez for meeting with him as he begins to form a coalition to address the major problem of prostitution and spoke to how the problem affects businesses and added he looked forward to tackling the issue head on. (*Note – Councilmember Westerlund and President Brand spoke further to the Air Board meeting issue later in their comments.)

Councilmember Borgeas (1) extended his appreciation to City Manager Scott and all department heads who attended his community meeting this past Tuesday; and (2) congratulated Acting President Olivier on his 36th birthday yesterday.

Councilmember Westerlund (1) referenced a ‘Letter to the Editor’ about discounts/free entry to parks for military members and stated that was news to him as that was not included in the Master Fee Schedule, added this was something the former PARCS director did on his own and he felt a Council discussion was necessary, and stated he would be requesting today’s Item 1-B be moved to General Administration for discussion; and (2) thanked Acting President Olivier for his report on the Air Board meeting and questioned if the policy for monthly reports by council members on their board and commission assignments had changed, with President Brand responding. Acting President Olivier clarified issues relative to his appointment to the Air Board City Selection Committee, the ability of any council member to apply to serve on the Board, and the selection process.

(2 – 0) Councilmember Quintero referenced the Mayor’s earlier comments on volunteer hours and stated he would be remiss to not mention Fred and Roselyn Clark and commended them for their contributions and all they do for our community.

President Brand spoke to the Air Board issue confirming the Board was not going to change their meeting date, stated in his discussion with Supervisor Judy Case last week he learned Board meetings are very long and stated whichever council member serves on the Board will have to miss one council meeting a month, and added whoever serves will have to make the commitment to attend an all-day meeting once a month and requested any member who is interested to inform him. Councilmember Baines suggested a council ad hoc committee be formed to address the issue, and noting Air Board meetings would start next year also suggested the City Council meeting schedule for 2012 be set to minimize the number of meetings the particular council member would have to miss. Councilmember Borgeas stated he supported an ad hoc committee to discuss the issue and return with options and upon his question Acting President Olivier stated an alternate was not possible as the member had to be an elected council member and further explained. President Brand added the term was for three years so the council member who serves on the Board has to be someone who will be on council for three more years.

APPROVE AGENDA:

(10:15 A.M. #1) CONTINUED HEARING TO CONSIDER A RESOLUTION APPROVING THE REVERSION OF ACREAGE OF THE FINAL MAP OF TRACT NO. 4983, LOTS 1 THROUGH 53 INCLUSIVE, PROPERTY LOCATED AT THE NORTHEAST CORNER OF CORNELIA AND DAKOTA AVENUES (Continue to May 12, 2011, at 10:00 a.m.)

Continued as noted.

(10:15 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(‘A’) ACTIONS RELATING TO REIMBURSEMENT OF COSTS INCURRED WITHIN THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT AREA FOR INSTALLATION OF PUBLIC IMPROVEMENTS ON N. SIERRA VISTA, N. MAPLE AND E. PINE AVENUES

#1 JOINT RESOLUTION – MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE AGENCY’S REIMBURSEMENT OF COSTS INCURRED FOR INSTALLATION OF THE PUBLIC IMPROVEMENTS

#2 AUTHORIZE (a) A DEVELOPER REIMBURSEMENT AGREEMENT (DRA) BETWEEN THE REDEVELOPMENT AGENCY AND IRRITEC USA, INC., AND (b) THE EXECUTIVE DIRECTOR TO EXECUTE THE DRA

~and~

(‘B’) ACTIONS RELATING TO REIMBURSEMENT OF COSTS INCURRED WITHIN THE FREEWAY 99/GOLDEN STATE CORRIDOR REDEVELOPMENT PROJECT AREA FOR INSTALLATION OF PUBLIC IMPROVEMENTS ON W. CLINTON AND N. WEBER AVENUES

#1 JOINT RESOLUTION – MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE AGENCY’S REIMBURSEMENT OF COSTS INCURRED FOR INSTALLATION OF THE PUBLIC IMPROVEMENTS

#2 AUTHORIZE (a) A DEVELOPER REIMBURSEMENT AGREEMENT (DRA) BETWEEN THE REDEVELOPMENT AGENCY AND NOYAN/FRAZIER PROPERTIES LLC, AND (b) THE EXECUTIVE DIRECTOR TO EXECUTE THE DRA

The above RDA Items ‘A’ and ‘B’ laid over one week by staff. Upon later question of Councilmember Xiong City Attorney Sanchez clarified the items were being rolled over one week to make the staff reports consistent with the agenda titles.

(1-B) RESOLUTION - 500TH AMENDMENT TO MFS RES. 80-420 ADDING, REVISING AND DELETING VARIOUS FEES (ANNUAL REVISION)

At the request of Councilmember Westerlund Item **1-B** was moved to General Administration.

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand |
| Noes | : | None |
| Absent | : | None |

ADOPT CONSENT CALENDAR:

Rene Ponce, Corp Yard/1325 El Dorado, spoke to Item **1-P** stating Solid Waste Code Enforcement Division was not included in the three-month evaluation, and spoke to (1) the city manager’s letter dated March 23rd addressed to all code enforcement and his reasons for reorganization, and (2) the mission/focus/work of the solid waste division.

Councilmember Westerlund pulled Items **1-K**, **1-O** and **1-P** from the Consent Calendar for separate discussion/action.

(1-A) AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE A PROFESSIONAL CONSULTING SERVICES AGREEMENT IN THE AMOUNT OF \$609,580 WITH COFFMAN ASSOCIATES, INC., FOR PREPARATION OF NEPA AND CEQA ENVIRONMENTAL DOCUMENTATION FOR RUNWAY MODIFICATIONS AT THE FRESNO CHANDLER EXECUTIVE AIRPORT

(1-C) AUTHORIZE ACCEPTANCE OF REALLOCATED FUNDS IN THE AMOUNT OF \$157,800 FOR FY 2008 STATE HOMELAND SECURITY GRANT PROGRAM

#1 RESOLUTION NO. 2011-68 - 88TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$157,800 IN THE POLICE DEPARTMENT FOR PURCHASE OF EQUIPMENT FOR FIRST RESPONDERS AND TERRORISM PREVENTION EFFORTS

(1-D) RESOLUTION NO. 2011-69 - 83RD AMENDMENT TO AAR 2010-138 TO REBUDGET \$523,000 IN THE TRAFFIC CONGESTION RELIEF PROGRAM FOR STREET MAINTENANCE OPERATING PROGRAMS

(1-E) RESOLUTION NO. 2011-70 - 84TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$54,200 IN THE PUBLIC WORKS DEPARTMENT FOR DESIGN COSTS ON NEW FEDERAL GRANT CAPITAL PROJECTS IN FY 2011

(1-F) RESOLUTION NO. 2011-71 - INTENT TO ANNEX TRACT NO. 5977 AS ANNEXATION NO. 42 TO CFD NO. 11 AND AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-G) APPROVE THE MEASURE "C" DRAFT COOPERATIVE AGREEMENT WITH THE FRESNO COUNTY TRANSPORTATION AUTHORITY FOR THE WILLOW AVENUE WIDENING PROJECT FROM DECATUR TO SHEPHERD AVENUES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM

(1-H) RESOLUTION NO. 2011-72 - APPROVING SUBMITTAL OF FUNCTIONAL CLASSIFICATION CHANGES FOR LOCAL STREETS AND ROADS TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

(1-I) RESOLUTION NO. 2011-73 - 85TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$60,800 IN GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CalRECYCLE) FOR THE BEVERAGE CONTAINER RECYCLING PROGRAM FOR FY10

(1-J) RESOLUTION NO. 2011-74 - 89TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$83,400 IN GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CalRECYCLE) FOR THE USED OIL BLOCK GRANT

(1-L) ADOPT CEQA FINDING OF CLASS 1 AND 2 CATEGORICAL EXEMPTIONS (EXISTING FACILITIES AND REPLACEMENT OR RECONSTRUCTION) FOR THE FINAL CLARIFER-WEIR CLEANING AND ADJUSTMENT PROJECT AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

#1 AWARD A CONTRACT FOR THE PROJECT TO WESTERN WATER CONSTRUCTORS, INC., OF SANTA ROSA, CA, IN THE AMOUNT OF \$143,110

(1-M) ADOPT CEQA FINDING OF CLASS 2 AND 4 CATEGORICAL EXEMPTIONS (REPLACEMENT OR RECONSTRUCTION AND MINOR ALTERATIONS TO LAND) FOR THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF) PAVING PROJECT

#1 RESOLUTION NO. 2010-75 - 86TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$104,500 FOR PAVING AT THE RWRF

#2 AWARD A CONTRACT FOR THE PROJECT TO CENTRAL VALLEY ASPHALT OF LINDSAY, CA, IN THE AMOUNT OF \$164,390

(1-N) APPROVE APPOINTMENTS OF SARA HEDGEPEETH-HARRIS AND CAROLINE HANSON TO THE MOBILE HOME RENT REVIEW AND STABILIZATION COMMISSION, AND RODNEY ASHLEY AND SUSAN RYAN TO THE FRESNO-MADERA AREA AGENCY ON AGING – MAYOR SWEARENGIN

(1-Q) APPROVE AN AGREEMENT WITH THE CLOVIS UNIFIED SCHOOL DISTRICT IN THE AMOUNT OF \$1,732.50 FOR THE PARCS DEPARTMENT TO CONDUCT THE INFORMAL SCIENCE PROGRAM AT VALLEY OAK ELEMENTARY SCHOOL RUNNING THROUGH JUNE 30, 2011, AND AUTHORIZE THE INTERIM PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

#1 RESOLUTION NO. 2011-76 - 90TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$1,732.50 INTO THE PARCS DEPARTMENT TO CONDUCT THE PROGRAM AT VALLEY OAK ELEMENTARY

(1-R) AUTHORIZE NEGOTIATION AND ENTRY OF A HOME PROGRAM AGREEMENT PROVIDING UP TO \$250,000 IN HOME PROGRAM FUNDS AS A LONG TERM, NO-INTEREST FORGIVABLE LOAN, SUBORDINATED TO HUD SECTION 202 PROGRAM FUNDING, FOR THE SIERRA GATEWAY SENIOR RESIDENCE PHASE II PROJECT (68 AFFORDABLE RENTAL UNITS AT THE SOUTHWEST CORNER OF SAN JOSE AND MARTY AVENUES), TO BE DEVELOPED BY SOUTHERN CALIFORNIA PRESBYTERIAN HOMES

#1 RESOLUTION NO. 2011-77 - COMMITTING HOME PROGRAM FUNDS IN THE AMOUNT OF \$250,000 TO THE SIERRA GATEWAY SENIOR RESIDENCE PHASE II PROJECT

(1-S) AUTHORIZE THE DARM DIRECTOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE COUNTY OF FRESNO IN AN AMOUNT NOT TO EXCEED \$488,000 FOR PROGRAM IMPLEMENTATION SERVICES IN FRESNO COUNTY FOR THE FRESNO REGIONAL COMPREHENSIVE RESIDENTIAL RETROFIT PROGRAM FUNDED BY THE CALIFORNIA ENERGY COMMISSION

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR:

(1-K) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH VALI COOPER & ASSOCIATES, INC, IN THE AMOUNT OF \$651,700 FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES TO INSPECT APPROXIMATELY 15,000 WATER METER BOX RETROFITS

Councilmember Westerlund stated there had already been one amendment and a few weeks ago staff indicated the meter project was on schedule and on budget, and presented questions relative to what would be done for the additional \$650,000, if the funds were beyond the \$1.9 million contingency, total number of existing meter boxes, the original agreement/scope of work, payment of the first amendment and scope of work, if there will be another request for funds for box construction work, if this was a budget-buster for the entire project, original bond amount for the meter box contract, and total cost for construction work on the 15,000 boxes, with Assistant Public Utilities Director Andersen responding throughout and Public Utilities Director Weimiller expanding further on how this sort of work was contemplated back when the project began. Councilmember Borgeas left the meeting at 9:47 a.m. during discussion.

On motion of Councilmember Xiong, seconded by Councilmember Baines, duly carried, **RESOLVED**, the above entitled Amendment No. 2 to the Agreement with Vali Cooper & Associates, Inc., hereby approved, by the following vote:

Ayes : Baines, Olivier, Quintero, Westerlund, Xiong, Brand
Noes : None
Absent : Borgeas

Councilmember Borgeas returned to the meeting at 9:51 a.m.

(1-O) APPROVE TWO PROFESSIONAL SERVICES AGREEMENTS WITH JAROTH, INC., d.b.a. PACIFIC TELEMAGEMENT SERVICES, FOR PROVISION OF PUBLIC PAYPHONE SERVICES AT VARIOUS CITY LOCATIONS

Councilmember Westerlund stated he could not recall an item on public payphone services coming to Council since he has been in office, and along with Councilmembers Xiong and Baines presented questions and/or comments relative to reason/need for this service, pay phones being used for illegal activities, what flipper phones were, if the phones will be for outgoing calls only, phone locations, if this service was actually needed, anticipated revenue generation, desire to see a contract provision/guarantee that phones will be for outgoing calls only, if the City had a legal responsibility to provide/make pay phones available, phone locations/if downtown was the primary area, and the real need for pay phones for emergencies and for those who cannot afford cell phones, with Chief Information Officer Hogg, Information Services Supervisor Weare and City Attorney Sanchez responding and explaining issues throughout.

A motion and second was made to approve staff's recommendation. Councilmember Xiong clarified, with staff confirming, that phones would not be strategically placed around the city but would be located primarily in the downtown area. Acting President Olivier thanked Councilmember Westerlund for pulling this item for discussion and stated for \$2,800 he did not think the City should be in the pay phone business. Upon question of President Brand Mr. Weare explained how phones were more widespread throughout the city in the beginning, how PTS took over the service, the study conducted by staff and decision made to disconnect all but 16 phones, the 16 phones being on city properties only, and there being other phone companies that provide pay phone service at the request of businesses.

On motion of Councilmember Baines, seconded by Councilmember Xiong, duly carried, RESOLVED, two professional services agreement with Jaroth, Inc., dba Pacific Telemanagement Services (PTS) hereby approved, by the following vote:

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| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

(1-P) RESOLUTION NO. 2011-78 - 4TH AMENDMENT TO SALARY RES. NO. 2010-141 a) ADDING THE CLASSIFICATIONS OF COMMUNITY REVITALIZATION SPECIALIST AND SENIOR COMMUNITY REVITALIZATION SPECIALIST WITH CORRESPONDING SALARY RANGES, AND b) DELETING THE CLASSIFICATIONS OF CODE ENFORCEMENT SPECIALIST, NEIGHBORHOOD SERVICES SPECIALIST I, NEIGHBORHOOD SERVICES SPECIALIST II, NEIGHBORHOOD STANDARDS SPECIALIST I, NEIGHBORHOOD STANDARDS SPECIALIST II, SENIOR NEIGHBORHOOD SERVICES SPECIALIST, AND SENIOR NEIGHBORHOOD STANDARDS SPECIALIST IN EXHIBIT 3/UNIT 3 – NON-SUPERVISORY WHITE COLLAR EMPLOYEES (FCEA)

Upon questions of Councilmember Westerlund City Manager Scott stated (1) the reason for deleting the seven positions and creating the two was finding, after an evaluation of the code enforcement function and talking with employees, the department was very title-heavy with so many people in so many categories which made it very cumbersome to work within the teams and further explained, and (1) the function of review and enforcement would continue as it was required under state law.

On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2011-78 hereby adopted, by the following vote:

| | | |
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| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

(9:00 A.M.) GENERAL ADMINISTRATION:

(1-B) RESOLUTION - 500TH AMENDMENT TO MFS RES. 80-420 ADDING, REVISING AND DELETING VARIOUS FEES (ANNUAL REVISION)

(3 – 0) Budget Director Smith gave a brief overview of the issue, all as contained in the staff report as submitted, and speaking to Councilmember Westerlund's earlier comments on park entry fees clarified currently there was an exemption in the Master Fee Schedule (MFS) for seniors and individuals with ADA placards, there was no specific exemption for military families, it was her understanding the military exemption had been permitted unofficially, and stated if Council wanted to pursue that policy action was needed to include it in the MFS. Ms. Smith, PARCS Manager Melikian and City Manager Scott responded to questions/comments of Councilmember Westerlund and/or clarified issues relative to the two current exemptions, if the policy of the former PARCS director had been discontinued at this time, number of senior and ADA exemptions, total number of all free entries to parks last year, if it was possible for ACE Parking to track the *types* of free entries, need to get the issue under control/need for a Council policy/need for a controlling mechanism for the free entries, offer to work with staff to draft a policy, and if this item could be delayed one week to address the issue. Upon question of Councilmember Xiong Ms. Smith stated this item would be time sensitive only if the resolution does not pass as some of the proposed revenues for FY12 were based on assumptions. Councilmember Xiong stated he would support a one week delay, Ms. Smith stated the materiality of most of the changes were minor, and a motion and second was made to continue the matter one week.

Upon questions of Councilmember Baines Ms. Smith clarified the park entry fee was being increased from \$5 to \$10 only on holidays and an evaluation would be conducted in a year to see if the increase was cost prohibitive for some. President Brand stated he shared the cost concern but stated there was always the option of people walking or riding their bikes into parks, and upon his question Ms. Smith stated the fee on vacant and foreclosed properties was a brand new fee in the MFS but was basically a technical correction as it was part of the city's ordinance.

On motion of Councilmember Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Item **1-B** continued one week, by the following vote:

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| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

(9:00 A.M. "A") RESOLUTION NO. 2011-79 - 91ST AMENDMENT TO AAR 2010-138 APPROPRIATING \$147,700 TO THE DOWNTOWN AND COMMUNITY REVITALIZATION DEPARTMENT (DCR) TO COMPLETE PREVIOUSLY-APPROVED HOUSING REHABILITATION PROJECTS IN THE LOWELL NEIGHBORHOOD

HCD Manager Cazares reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Baines, seconded by President Brand, duly carried, RESOLVED, the above entitled Resolution No. 2011-79 hereby adopted, by the following vote:

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| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

(9:00 A.M. "B") CONSIDER AMENDMENT TO THE FRESNO MUNICIPAL CODE TO ESTABLISH A LOAN PROGRAM FOR a) ABANDONMENT OF SINGLE-FAMILY RESIDENTIAL SEPTIC TANK AND CESSPOOL SYSTEMS AND b) SEWER LINE INSTALLATION AND CONNECTION TO THE CITY SEWER SYSTEM
#1 BILL NO. B-14 - AMENDING SECTION 6-305 OF THE FRESNO MUNICIPAL CODE RELATING TO PAYMENT OF SEWER CHARGES AND LOANS

Assistant Public Utilities Director Andersen reviewed the issue and recommended approval as contained in the staff report as submitted.

Councilmember Xiong expressed his support for the program stating this was very creative and thanked staff, added this was two years in the making and a majority of those impacted will be low- or fixed-income residents, and elaborated further, urged support, and made a motion to introduce the Ordinance Bill, which motion was seconded by Councilmember Baines.

Mr. Andersen, Public Utilities Director Weimiller and City Attorney Sanchez responded to comments and questions of Councilmember Westerlund relating to support for the concept of the program, program demand, number of potential contracts that will be entered into yearly, program process, administration of the loans and responsibilities of different departments, numerous questions on contract/lien/collection issues and processes, need for staff to have more than an impression of how the process will work, department-to-department handoffs being tricky/concern with steps being dropped, and need to know what is in place/which department will be responsible for what. Mr. Sanchez stated his office would work with staff and provide a memo to Council on the level of detail.

On motion of Councilmember Xiong, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Bill No. B-14 introduced before the City Council and laid over, by the following vote:

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| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

(9:15 A.M.) RESOLUTION NO. 2011-80 - SUPPORTING STATE LEGISLATIVE EFFORTS TO RELIEVE THE HOME MORTGAGE FORECLOSURE CRISIS IN THE CITY OF FRESNO AND STATE OF CALIFORNIA, AS AMENDED – COUNCILMEMBER QUINTERO

Councilmember Quintero thanked everyone in attendance, noted this was a follow-up to previous Council direction and gave a brief overview of the issue, all as contained in his report to Council as submitted, and stated the city of Los Angeles adopted a similar resolution and made a motion to adopt the resolution, which motion was seconded by Councilmember Baines.

Speaking in support of the resolution, further to problem, and/or to their personal experiences were: Cecilia Gonzales, who also spoke in support of good mediation programs and read excerpts from a HUD and Department of Justice document; Bill Knezovich, Pastor of Our Saviors Lutheran Church and President of Faith in Community, 2101 N. Fruit, who submitted a large “THANK YOU” sign to Council; Robb Goodman, 4685 N. Thorne; Edward Medina, 6425 N. Arthur, who spoke to the loss of his home; Anne Middleton, 2624 Burlingame, Clovis, real estate lending retiree **(4 – 0)**; Gabriel Ruiz, 223 W. Fir, Pinedale; Rebecca Van Stokkum, Community Organizer, who spoke to the need for local action and to a Mortgage Bankers Association study on tipping points of cities, and at the conclusion of public testimony submitted written information into the record; Luis Lopez, 7670 N. Jackson Ct., who read from a document by Housing and Economics Rights Advocates (HAERA) on the problem of lack of transparency and accountability for holders/owners of mortgage notes; and Tim Lilienthal, PICO National Network, Washington, DC.

Councilmember Quintero advised Councilmember Borgeas would be proposing a friendly amendment to the resolution, and again thanked everyone and stated this problem was everywhere and he believed it was important for Council as the city’s representatives do what little it could to make things right at the local level for their constituents. Councilmember Borgeas also thanked everyone for their interest and input, and stated he had a real soft spot anytime community organizers get behind a project with merit, there were clearly areas that were within Council’s jurisdiction and areas that were not, the overwhelming sentiment the last time this was before Council was this issue was outside Council’s jurisdiction, and although this was a federal issue Council did have the ability to promote a symbolic resolution to send to Sacramento, and stated he felt the heart and soul of the resolution and what was trying to be accomplished was #2 on Page 2 of the resolution, and in order to give some sort of support to the efforts to bring awareness to Sacramento offered a “very friendly amendment” to the resolution to (1) eliminate the extraneous #1 and #3/Pg. 2, and (2) modify language in #2 to read: *The City Council declares its support of the State Legislature’s efforts to consider legislation that may help alleviate the hardship families in the city of Fresno and all of California suffer due to home foreclosures*, which amendment was accepted/seconded by Councilmember Quintero (and subsequently withdrawn and again added).

President Brand stated he respected the group for recognizing the foreclosure problem and for what it was trying to do in the community; stated this crisis started back in the 1990’s by politicians who wanted everyone to own a house but that goal was overzealous and unrealistic resulting in a crisis that cities/states are still struggling to recover from; stated the existing problem is not just the fault of lenders as a lot of people who bought houses before prices went up used their homes as a bank, kept pulling money out, and were very irresponsible; spoke to loan modifications and stated there were abuses and reasonable market-driven methods should be introduced to make the entire process fair but not a government-mandated program; stated he supported some legislative bills but one he did not support called for lenders to pay a fee to the community for basically the adverse economic impact of foreclosures on neighborhoods; and stated there would be consequences to passing some of the well-intended bills and he could not support a broad statement indicating support for all State legislation adding he may be inclined to support Councilmember Borgeas’ modification which he felt was the spirit of what the group was trying to do, elaborating on his comments throughout. Councilmember Baines stated he agreed there was some irresponsible legislation, borrowing, and lending practices; stated he was not a real estate expert but what he has seen is borrowers who got into poor loans are paying the price, local and state governments are paying the price, but banks are not and elaborated further; and stated everyone needed to come to the table, banks needed to step up and do their part as he felt they have not done everything they can do, and he would support the resolution. Councilmember Xiong stated the message being sent was very important but a Council consensus was just as important adding a split vote was the wrong message to send to our State Legislature and further explained.

Councilmember Quintero stated he understood concerns/thoughts/positions but what was before Council was what staff was directed to return with on March 3rd and added no changes were made to the direction and/or parameters given by the Council majority and the city attorney stated a resolution in support of state-wide legislation was within legal parameters, and upon his question City Attorney Sanchez stated this was a symbolic resolution to let state and federal elected officials know the City Council cared and supported statewide efforts to reduce home foreclosures. Councilmember Quintero emphasized foreclosures were everywhere and he did not understand the hesitation here, whereupon President Brand stated everyone agreed the crisis was real but the disagreement was on solutions and further explained.

Councilmember Quintero stated he was just asking for a level playing field and upon his question Pastor Knezovich stated the group was not supportive of the amendment and elaborated further on the issue and responded to Council comments, whereupon Councilmember Quintero withdrew his second to Councilmember Borgeas' amendment and stated his original motion to adopt the resolution as presented stood. Councilmember Borgeas stated the dynamics changed with his amendment off the table, noted Council was being asked to support a bill/legislation asking banks to give money back to the community (in item #3), and stated with all the controversies on the different bills he thought the heart and soul of the group's effort would be #2. Acting President Olivier stated he did not want to see all the hard work that has been done go down the tube, added he has seen the foreclosure crisis and problems inside and out as a journalist and also felt very strongly about it, and stated the group could leave here today with a victory by accepting the compromise and added it was asking a lot of Council to endorse specific items of legislation that some members may disagree with. Ms. Stokkum, Ms. Gonzales and Mr. Lilienthal commented additionally stating it was the group's understanding that the resolution as written/presented was *Councils'* resolution, specifics mattered and it was important to have Council consensus on what was being communicated, and the #1 issue should be the foreclosure issue **(5 – 0)**. Councilmember Baines stated Council needed to do a better job and be more consistent when giving direction, this was previously agreed to, it would have been more appropriate to have had this debate the first time, he understood the philosophical disagreement but was unclear with the disagreement now, concurred changes could be made but questioned why when this was already agreed to, and stated he was supportive of either resolution and felt it was important for Council to agree to something that could be passed today. Mr. Sanchez clarified staff took direction from Council and was asked to (1) research whether any local action could be taken to interject into the mortgage relationships and it was found that area was basically preempted by existing state and federal laws, and (2) return with a resolution supporting existing legislation or bills in the pipeline at the state level and added no formal vote was taken on the detail/substance of the resolution. Councilmember Xiong concurred there was no agreement on specific language, stated debate on the detail was part of the process and reiterated the importance of having a full consensus. Councilmember Westerlund also concurred there was no agreement on language and that debate and information gathering was appropriate, and spoke to the amount of discussion on banks that took taxpayer dollars and the expectation for those dollars to go back and do what they are supposed to do. Upon question of Councilmember Baines Mr. Sanchez clarified staff was directed to return with a resolution reflecting support of state legislation that would address some of these issue but this resolution was never considered by the Council until today, whereupon Councilmember Baines thanked Mr. Sanchez for clarifying, and Council for pointing out, that the language was never agreed to but added he was still very much in support of either resolution. President Brand stated he was against the bailouts, a record number of banks did fail with the recession, and relative to the discussion on language stated with all due respect the devil was in the details.

A motion of Councilmember Quintero, seconded by Councilmember Baines, to adopt the above entitled Resolution as presented failed, by the following vote:

| | | |
|--------|---|-------------------------------------|
| Ayes | : | Baines, Quintero, Xiong |
| Noes | : | Borgeas, Olivier, Westerlund, Brand |
| Absent | : | None |

On motion of Councilmember Borgeas, seconded by Councilmember Quintero, duly carried, RESOLVED, above entitled Resolution No. 2011-80 hereby adopted, **as amended**, to (1) eliminate Items #1 and #3/Pg. 2, and (2) modify language in Item #2 to read: *The City Council declares its support of the State Legislature's efforts to consider legislation that may help alleviate the hardship families in the city of Fresno and all of California suffer due to home foreclosure*, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Baines, Borgeas, Olivier, Quintero, Xiong, Brand |
| Noes | : | Westerlund |
| Absent | : | None |

(10:00 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-10-010, REZONE APPLICATION NO. R-10-011 AND ENVIRONMENTAL FINDINGS FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC., ON BEHALF OF WATHEN-CASTANOS, PROPERTY LOCATED ON THE EAST SIDE OF N. FORKNER BETWEEN W. BARSTOW AND W. BULLARD AVENUES

#1 CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION PREPARED FOR E.A. NO. A-10-010/C-10/245/T-5987

#2 RESOLUTION NO. 2011-81 - AMENDING THE FRESNO GENERAL PLAN AND THE BULLARD COMMUNITY PLAN (APPROVING THE PLAN AMENDMENT)

#3 BILL NO. B-15 - ORDINANCE NO. 2011-13 - AMENDING THE OZM TO REZONE FROM R-1-EH AND R-1-AH TO R-1

President Brand announced the time had arrived to consider the issue and opened the hearing. Planner Contreras advised the staff report was complete and there was nothing new to add.

Upon call, no one wished to be heard and President Brand closed the hearing.

Upon the request of Councilmember Borgeas applicant representative Dirk Poeschel and Traffic Engineer Jones expanded on the project and explained how it fit into the general plan, and addressed noticing, traffic/mitigation measure and CEQA issues.

On motion of Councilmember Borgeas, seconded by Councilmember Baines, duly carried, RESOLVED, the subject environmental finding hereby adopted, the above entitled Resolution No. 2011-81 hereby adopted, and the above entitled Bill No. B-15 rezoning the site adopted as Ordinance No. 2011-13, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

LUNCH RECESS – 12:15 A.M. – 1:45 P.M.

Proceedings continue on next page.

(10:15 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 1:45 p.m. and convened in joint session with the Redevelopment Agency. Councilmember Westerlund arrived shortly thereafter.

APPROVE AGENCY MINUTES OF APRIL 14, 2011

On motion of Councilmember Xiong, seconded by President Brand, duly carried, **RESOLVED**, the Agency minutes of April 14, 2011, approved as submitted.

(‘C’) RECEIVE AND CONSIDER UPDATE REPORT RELATED TO THE GOVERNOR’S REDEVELOPMENT AGENCY (RDA) PROPOSAL (Joint action)

Executive Director Murphey reviewed the issue and key components, all as contained in the staff report as submitted. Ms. Murphey stated the California Redevelopment Association (CRA) and the California League of Cities had prepared an alternative recommendation to the Governor’s proposal to eliminate Redevelopment Agencies, adding the recommendation was a voluntary contribution to local schools. Ms. Murphey stated the amount of the contribution would be equivalent to the fiscal year 2012 housing set-aside amount which would allow a two-year extension of Agency project areas, and/or contribute up to 10% of the gross increment with the payment coming from non-housing funds, adding that in consideration for the voluntary contributions, Agencies would be allowed to extend their plan one-year after a one-year of contribution. Ms. Murphey stated the Redevelopment staff would prefer the course of declining to contribute housing set-aside funds due to the funds already being committed. Ms. Murphey stated the language of the reforms would most likely change throughout the process, adding a bill was expected to be introduced in the near future.

Chair Westerlund stated the California Redevelopment proposal came out after the CRA Convention and had received little response in Sacramento, adding the first proposal was the Big 10 (aka Big 8) City Mayor’s and briefly reviewed the proposal, advising the Governor stated he did not mind keeping the Redevelopment Agencies in existence, but the State needed \$1.7 billion in order to continue making strides on reducing the State deficit and elaborated.

Government Affairs Manager Stevens gave a brief update, stating the Governor would submit his revised budget in mid-May which would include discussions of the Redevelopment Agencies, adding the RDA Reform Bill (SB 286) had been introduced.

Chair Westerlund reviewed three legal criteria that would keep the State from eliminating Redevelopment Agencies including **1.** the California Constitution, **2.** Proposition 1A; and **3.** Proposition 22, with a brief overview of each.

(6-0) Ms. Murphey, Ms. Stevens and Chair Westerlund responded to questions by Councilmember Xiong relative to financing , the elimination of the Redevelopment Agencies, the Big 8 City Mayor’s proposal and the 10% voluntary contribution to local education. Extensive discussion ensued regarding voluntary contributions for education and the Big 8 City Mayor’s proposal being used for bonding purposes.

Chair Westerlund recommended preparing a resolution in support of the California Redevelopment Agency alternative, adding the California Teachers’ Association was a primary factor and recommended meeting with local school districts to discuss the Agency’s voluntary contribution and ask for their support. Councilmember Xiong questioned when the Mayor would weigh in on a decision, adding it needed to be a singular message with Chair Westerlund stating the Mayor was very supportive of the Redevelopment Agency.

Ms. Stevens stated the Agency was waiting for the final language, adding the Mayor was very supportive of the continuation of the Redevelopment Agency. Chair Westerlund emphasized the importance of the City Council speaking as “one voice” in Sacramento and recommended when the discussions begin moving forward again, Council should have discussions with Assembly Members and State Senators. No action taken.

The joint bodies adjourned their meeting at 2:25 p.m. and the City Council reconvened in regular session.

SCHEDULED COMMUNICATION – APPEARANCE BY REVEREND DON LOCKHART, CCDC PRESIDENT OF THE LAUREL HOMES PROJECT AND CHALLENGES, TO DISCUSS VARIOUS ISSUES/CONCERNS RELATING TO A PROJECT TO ASSIST HOMELESS CITIZENS

Not present when called.

UNSCHEDULED COMMUNICATION:

Upon call, no one wished to be heard.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL:

(‘A’) DECIDING WHETHER TO INITIATE LITIGATION/POTENTIAL LITIGATION – CASE NAMES:

#1 WCK, LLC AND WILLIAM CHONG

#2 DARLING INTERNATIONAL, INC. – COUNCILMEMBER BAINES

(‘B’) EXISTING LITIGATION – CASE NAME: BOMBAY CORPORATION, ET AL., V. COF

The City Council met in closed session in Room 2125 at the hour of 2:25 p.m. to consider the above matters and the meeting was adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:50 p.m. having arrived and hearing no objection, President Brand declared the meeting adjourned.

Approved on the _____ day of _____, 2011.

Lee Brand, Council President

ATTEST: Cindy Bruer, Deputy City Clerk